

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

A. G., a minor child by and through  
her mother and next friend, K.C.,  
et al.,

Plaintiffs,

V.

AUTAUGA COUNTY BOARD OF  
EDUCATION, et al.,

Defendants.

CIVIL ACTION NO. 2:05cv1090-MEF  
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B. H. A minor child, by and through  
his mother and next of friend, D. S.,

Plaintiff,

V.

AUTAUGA COUNTY BOARD OF  
EDUCATION, et al.,

Defendants.

CIVIL ACTION NO. 2:06cv393-MEF

## ORDER ON MOTION

Upon consideration of plaintiff's motion for protective order (Doc. # 64), and for good cause, it is

ORDERED that the motion be and hereby is DENIED without prejudice. The court declines to enter a blanket order prohibiting school board employees from attending the depositions of other school board employees in advance of such circumstances, which may

not in fact occur. However, the court will require that defendants notify plaintiffs in writing no fewer than three days prior to any deposition of the name of any employee seeking to attend another employee's deposition so that plaintiffs have an adequate opportunity to challenge the presence of the third party by written motion pursuant to Rule 26(c)(5), based on facts specific to the situation. If timely notice is not provided as required, the employee in question *may not attend* the deposition.

The court notes that it is unlikely that any employee's attendance or non-attendance at a deposition will make a more than incremental difference in the outcome of this litigation, if it makes any difference at all, and that there are far more important issues to litigate in this case. The court reminds the parties again that they have the obligation to attempt in good faith to work out their differences concerning discovery before resorting to the court.

DONE, this 4th day of October, 2006.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE